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Supreme Court, U.S.
FILED

AUG 3 - 2005

OFFICE OF THE CLERK

Docket No.: 05 256

SUPREME COURT OF THE UNITED STATES

EDWARD RONWIN, Petitioner,

v.

ALLSTATE INSURANCE CO., et al.,
Respondents.

ON PETITION FOR A WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF
APPEALS FOR THE TENTH CIRCUIT

PETITION FOR WRIT OF CERTIORARI

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Petitioner, pro se

QUESTIONS PRESENTED FOR REVIEW

1. Is it unconstitutional for the lower federal courts to conduct Star Chamber proceedings in cases within their jurisdiction?

2. Can judges of the United States support and approve criminal conduct that record evidence proves occurred beyond cavil or doubt?

LIST OF ALL PARTIES

EDWARD RONWIN, Petitioner, (hereinafter, RONWIN)
Respondents:
ALLSTATE INSURANCE CO., (hereinafter, ALLSTATE)
STATE FARM MUTUAL AUTO INS. CO., (hereinafter, FARM)
DAVID LAWSER, (hereinafter, LAWSER)
TERRI RENE SNYDER, (hereinafter, SNYDER)
CITY OF FORT COLLINS, CO, (hereinafter FORT COLLINS)
HEIDI NASH, (hereinafter, NASH)

OTHER ABBREVIATION:
District Clerk's Docket items, (DOC.)

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CITATIONS OF THE OFFICIAL AND UNOFFICIAL REPORTS OF OPINIONS AND ORDERS

No opinions and orders are published.

BASIS FOR JURISDICTION IN THIS COURT

The date of the Order and Judgment of the U.S. Court of

Appeals, 10th Cir., sought to be reviewed is June 7, 2005.

The date of the Order of the U.S. Court of Appeals, 10th Cir., denying RONWIN's Petition for Rehearing En Banc or by Panel is June 28, 2005.

The statutory provision conferring jurisdiction on this Court is 28 U.S.C. § 1254(1).

28 U.S.C. § 2403(b) may apply. Therefore, the Attorney General of Colorado will be served herewith. It does not appear that either the Dist. Ct. or the Ct. of Appeals certified to the Colorado Attorney General the fact that the constitutionality of a Colorado statute was drawn into question and that the constitutionality of the interpretation of another Colorado statute was drawn into question.

CONSTITUTIONAL PROVISIONS AND STATUTES INVOLVED IN THIS CASE

United States Constitution:
Art. III,§1; 1st; 5th; 7th and 14th Amendments

United States Statutes:
18 U.S.C.§1341;
28 U.S.C.§§ 1254(1),1331,1332,1343,1367,2403(b);
42 U.S.C.§ 1983

Colorado State Statutes:
CRS 10-4-607
CRS 16-3-202(4)
CRS 18-8-111(1)(C) and (2); 18-9-111(1) and sub§(f)
CRS 42-4-1409

STATEMENT OF THE CASE

1. After being subjected to attempted extortion by ALLSTATE and, separately, by FARM, which effort is part of a similar racket these Respondents engage in, and after SNYDER enraged former policewomen NASH with deliberate lies and setting NASH to act pursuant to an unconstitutional interpretation of CRS 18-9-111(1) taken with sub§(f), and to deny due process and equal protection to RONWIN and sullying RONWIN's character, suit was brought against the Respondents. After dismissal of the case in the Dist. Ct. timely appeal was taken to the Ct. of Appeals. At no time from the filing of the complaint to and through the denial of RONWIN's Petition for Rehearing in the Ct. of Appeals, was any oral argument or physical appearance by the parties in either the Dist. Ct. or the Ct. of Appeals allowed; and the jury demanded got nowhere near the District courthouse.

2. Jurisdiction in the Dist. Ct. was based upon the following:

As to ALLSTATE and FARM: 28 U.S.C. §§ 1331, 1332; As to LAWSER: 28 U.S.C. § 1331 and 1367; As to SNYDER: 28 U.S.C. §§ 1331, 1343, 1367; As to FORT COLLINS and NASH: 28 U.S.C. § 1343. (DOC.1,pp.1-2).

REASONS TO GRANT THE WRIT

I. AS TO QUESTION 1:

Websters 3rd Int'l. Dictionary, Merriam-Webster, Springfield, MA, p.2226 (1986) defines a Star Chamber as: "A court existing in England from the 15th Century to 1641 that exercised wide civil and criminal jurisdiction under rules of procedure well suited to the purpose of absolutist sovereigns"

Random House Dict. of the English Language, 2nd Ed., unabriged, N.Y. p. 1858 (1983), defines a Star Chamber as: 1. "A former court of inquisitorial and criminal jurisdiction.. that sat without a jury and...became noted for its arbitrary methods.." (emphasis added).

Lastly, The Oxford English Dict., 2nd Ed., Vol. XVI, Clarendon Press, Oxford, p. 529 (1989) states: "..a proverbial type of an arbitrary and oppressive tribunal.."

If in the Star Chamber the parties at least appeared before a judge(s), that would be an improvement upon the situation in this case, where no appearance before any judge at any time was permitted in the Dist. Ct. and the jury demanded, (D0C.1 p.1), got nowhere near the Dist. courthouse. Also, no appearance was allowed before the Ct. of Appeals. In addition, no motion filed by RONWIN was ever granted.

The handling of this case is not different from the procedures of the "arbitrary and oppressive" Star Chamber. While statistics are not available--and ought to be required by this Court to be kept by the lower courts--it has been becoming more and more frequent that cases are being arbitrarily dismissed by "trial by motion" where the parties have no opportunity to expand on their positions and/or to obtain necessary discovery, and to correct initial views formed by the judges or magistrates because oral argument is denied. That, for whatever reason, case calendars may be getting longer is not justification to deny justice to any litigant.

The arbitrary activity complained of herein offends several provisions of the U.S. Constitution. Due Process and Equal Protection of the 5th and 14th Amendments are denied. Due

Process because one gets no chance to fully present and explain one's position or to acquire through discovery elements in support. Equal Protection because denial of oral argument to some litigants while granted to others is inherently unfair. But, the matter is worse! The arbitrary activity offends the right to "petition [the courts] for redress of grievances," 1st Amend., U.S. Const., (DOC.24,pp.1-2). That right presumes that one will be able to state one's case fully and completely which is not generally possible in the confined arena of a writing; rather, in the least, oral argument is needed to make certain that one's position is fully understood. The arbitrary activity also offends the 7th Amend., U.S. Const. which provides for trial by jury in civil actions were the amount exceeds $20.00., (DOC.24,pp.1-2). The right to a jury, to at least try the facts, is trumpted as a primary value of democractic jurisprudence. Trial by motion, where there is no opportunity to correct possible erroneous impressions formed by the judge through oral, face-to-face argument, destroys the right to jury to find the facts. What is being passed off as a just disposition of cases is trial by dispositive motions where the objective is becoming, not the doing of justice, but who gets attorney's fees, which is corrupting the American Rule that gives the poor and middle classes the means to get a reasonable redress of grievances.

Although arising from a welfare case, this Court in Goldberg v. Kelly, 397 U.S. 254, 90 S.Ct. 1011, 1020 (1970), (Appellant's Opening Brief @ 14), wrote: "The fundamental requisite of due process of law is the opportunity to be heard..The hearing must be at a meaninful time..and manner." Oral argument on dispositive motions is little different from welfare, or other types of hearings, and the hearings which are "fundamental requisites of due process" are oral confrontations of the parties before a judge. Deny

oral argument, where requested, and you deny due process. (Appellant's Response to Order to Show Cause, pp.12-14).

In this case, all four constitutional rights have been violated and both the District and Appeals judges, and the magistrate judge, have supported and approved criminal conduct by four of the six Respondents, as considered in Question 2, below:

II. AS TO QUESTION 2:

In the Ct. of Appeals Order & Judgment, June 7, 2005, p.2, the Court ordered RONWIN to show cause "why [RONWIN] should not be sanctioned for filing a frivolous appeal,"(Appenix, pp. 2-3).

Using record evidence RONWIN demonstrated that the Panel members, by their decision were supporting and approving criminal activity by several Respondents, (Responce to Order to Show Cause, pp. 3-6; 8-10):

The evidence of record proves, beyond cavil or doubt, that, ALLSTATE's policy expired on May 23, 2002, (DOC.44, Exhs 2 & 3), and FARM's policy commenced on May 23, 2002 and itself expired on Nov.23, 2002, (DOC.25,Exh.2), and RONWIN's policy with AUTO-OWNERS INS. CO., commenced on Nov.23, 2002, (DOC.25, Exh.3).

Two separate RICO claims were presented to the courts below. One against ALLSTATE; the other against FARM, LAWSER and SNYDER. Respondents' actions in each claim are virtually identical and were treated as "one," (Response to Show Cause Order, pp.8-10).

ALLSTATE's "Cancellation Notice", (DOC.44,Exh.1), re-

fers to a date, (June 23, 2002), when no policy was in existence between RONWIN and ALLSTATE, (see 4th full ¶, p. 10), and the notice, which on its face demands monies not due to ALLSTATE and threatens "collection", cancelled nothing and hence was a sham and must have been known to be such to ALLSTATE. Likewise, FARM's agent demanded $216.58 on Dec. 9, 2002, (DOC.26,p.2), which FARM must be held to know was not due. That was followed, despite assurances by LAWSER that RONWIN would not be further harassed, with an "Expiration Notice", (DOC.26, Exh.6), which was labelled a "billing statement" by JERRY SMITH, Regional Director for FARM, (DOC.24, Exh.4, 3rd ¶ and p.15). The notice reached RONWIN on Dec. 11, 2002 and again demanded $216.58, and carries, as with all billings allegedly not paid, the threat that one's credit rating will be besmirched, (DOC.26, pp.11-12). The "Expiration Notice" attached to no policy in existence between RONWIN and FARM, (see 4th full ¶, p. 10 above), and was a sham; and must have been known to be such to FARM, LAWSER and SNYDER.

Thus, both ALLSTATE and FARM are positioned as sending fraudulent notice to former insureds threatening court actions or implied besmirching of credit standing, and demanding, without right monies from former insureds that they know are not due to them. In other words, an extortion process--a criminal procedure. The actions also amount to both civil and criminal fraud, including mail fraud, 18 U.S.C. § 1431.

Why on earth do ALLSTATE and FARM engage in such activity? The answer is (i) they make money out of it; and (ii) they are getting away with it thanks to judgments such as in the courts below.